

New Employee Handbook



*“Leading the Way to a Healthy Maryland
in the New Millennium”*

Revised 6/21/2011

General Personnel Information

I. STATE MERIT SYSTEM

The State Merit System replaced the "Spoils System" in 1920. It is a body of laws, rules and regulations emanating from the Maryland Office of Personnel Services & Benefits (formerly known as the Maryland Department of Personnel) to provide for the fair and equitable processing of personnel actions; i.e., recruitment, selection, training, discipline, leave, transfers, discharge, etc. The Merit System provides for certain rights and protections for permanent employees in the Classified Service. {Ref: **Article 64A**}

II. CODE OF ETHICS

State employees provide services to all the people of Maryland. Because of this, their conduct is subject to standards and requirements that have been established to protect the interests of the public, and to protect the good name of the State. A Code of Ethics has been promulgated to provide a framework for proper conduct of State employees citing such improprieties as conflict of interest, and accepting gifts and gratuities.

III. FRAUD, WASTE, AND ABUSE IN HEALTH CARE PROGRAMS

As an entity that receives and makes annual Medicaid payments of at least \$5 million, DHMH is required under section 6032 of the Deficit Reduction Act of 2005 (DRA) to include in its Employee Handbook "a specific discussion" of various federal and State laws and DHMH policies relating to fraud, waste, and abuse in health care programs.

A. Federal Law

The federal False Claims Act (FCA, 31 U.S.C. §§ 3729 to 3733) provides that any person who knowingly:

- 1.) submits a false or fraudulent claim to the federal government for payment, or
- 2.) uses false records or statements to obtain payment from the federal government for a false or fraudulent claim,

is liable to the federal government and subject to a civil penalty of \$5,500 to \$11,000 per claim (\$5,000 to \$10,000 for claims submitted before September 29, 1999), plus three times the amount of damages that the federal government sustains because of

the act of that person. For purposes of the FCA, a person acts “knowingly” if the person:

- 1.) has actual knowledge of the falsity of the claim, record, or statement, or
- 2.) acts in deliberate ignorance or reckless disregard as to the truth or falsity of the claim, record, or statement, even where there is no proof that the person had a specific intent to defraud the federal government. “Claims” include any request or demand for money or property.

The FCA also contains whistleblower (qui tam) provisions that allow private citizens to bring suit on behalf of the federal government to recover federal funds used to pay false or fraudulent claims. Such whistleblowers may share in the proceeds of such recoveries. Any whistleblower who is “discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer” is entitled to various types of relief under the FCA and may sue in federal court to obtain such relief.

In addition to the civil penalties provided for in the FCA, any person who makes false claims or statements for the purpose of obtaining payment from the federal government may also be subject to additional penalties imposed by relevant federal agencies, such as the Office of the Inspector General for the United States Department of Health and Human Services. These penalties may include civil money penalties and prospective exclusion from participation in all Federal and State health care programs (see 31 U.S.C. §§ 3801 to 3812, 42 U.S.C. § 1320a-7a, and related regulations).

Other federal laws directed at fraud, waste, and abuse include: the Racketeer Influenced and Corrupt Organizations Act (RICO, see 18 U.S.C. §§ 1961 to 1968), which is aimed at organized criminal activity conducted through interstate commerce; civil forfeiture statutes, including 18 U.S.C. § 981, which is directed primarily at “money laundering” of claims illegally received; the criminal False Claims Act (see 18 U.S.C. §287); the federal Anti-Kickback Statute (see 42 U.S.C. § 1320a-7b(b)); various federal statutes criminalizing the making of false statements to the federal government (see 18 U.S.C. § 1001), mail fraud and wire fraud (see 18 U.S.C. §§ 1341 and 1343), Medicare and Medicaid Fraud (see 42 U.S.C. § 1320a-7b(a)), and money laundering (see 18 U.S.C. §§ 1956 and 1957); and other general statutes concerning conspiracy, theft, and obstruction of justice.

B. State Law

1. **Maryland State False Claims Act** – (See Health General §§2–601 through 2– 611 of the Annotated Code of Maryland)

Under the State False Claims Act a person may not:

- (a) knowingly present or cause to be presented a false or fraudulent claim for payment or approval;
- (b) knowingly make, use, or cause to be made or used a false record or statement material to a false or fraudulent claim;
- (c) conspire to commit a violation under this subtitle;
- (d) Have possession, custody, or control of money or other property used by or on behalf of the state under a state health plan or a state health program and knowingly deliver or cause to be delivered to the state less than all of that money or other property;
- (e)
 - (i) be authorized to make or deliver a receipt or other document certifying receipt of money or other property used or to be used by the state under a state health plan or a state health program; and
 - (ii) Intending to defraud the state or the department, make or deliver a receipt or document knowing that the information contained in the receipt or document is not true;
- (f) knowingly buy or receive as a pledge of an obligation or debt publicly owned property from an officer, employee, or agent of a state health plan or a state health program who lawfully may not sell or pledge the property;
- (g) knowingly make, use, or cause to be made or used, a false record or statement material to an obligation to pay or transmit money or other property to the state;
- (h) knowingly conceal, or knowingly and improperly avoid or decrease, an obligation to pay or transmit money or other property to the state; or
- (i) knowingly make any other false or fraudulent claim against a state health plan or a state health program.

A person or entity who violates one of these provisions is subject to:

- (1) A civil penalty of not more than \$10,000 for each violation;
- (2) An additional amount of not more than three times the amount of damages that the state sustains as a result of the acts.

An individual filing the civil suit against the person or entity is protected from retaliatory actions and may receive a portion of the recovery generated by the action.

2. Under the Maryland Medicaid Fraud statute (see Md. Code Ann., Crim. Law §§ 8-508 to 8-517), a person who knowingly and willfully:

- 1.) defrauds or attempts to defraud a State health plan in connection with the delivery of or payment for a health care service, or
- 2.) obtains or attempts to obtain by means of a false representation any thing of value in connection with the delivery of or payment for a health care service through a State health plan, is guilty of a crime and is subject to imprisonment, a fine, or both. The Maryland Medicaid Fraud statute also includes provisions relating to conversion, bribes and kickbacks, and referral rebates.

A person who violates the Maryland Medicaid Fraud statute is also liable to the State for a civil penalty of up to three times the amount of the overpayment. For purposes of the Maryland Medicaid Fraud statute, “false representations” include the knowing and willful “making of a materially false or fraudulent statement”, and the knowing and willful use of a false or fraudulent document that the person knows to be false or fraudulent. “State health plans” include the State’s Medicaid program, other State medical assistance plans administered by DHMH, and any person that provides or contracts or sub-contracts to provide health care services for such program or plan.

Additional sanctions under State law, which may apply to health care personnel who commit fraud, waste, or abuse, include loss of staff privileges at a health care facility or suspension or revocation of a health occupation license.

C. DHMH Efforts to Combat Fraud, Waste, and Abuse

As part of its effort to combat fraud, waste, and abuse of DHMH funds and property, DHMH has established a Corporate Compliance Program and a Code of Conduct (see DHMH Policy 01.03.01). The Corporate Compliance Program is administered by the Division of Corporate Compliance of the DHMH Office of the Inspector General (OIG). The OIG has the authority to “investigate fraud, waste, and abuse” of DHMH (and federal) funds, and to “take necessary steps to recover” any fraudulent claims paid by DHMH (see Md. Ann. Code, Health-Gen. §§ 2-501 to 2-505).

All DHMH employees have a responsibility to report to the OIG any incidents of suspected fraud, waste, abuse, or misconduct within DHMH that potentially violate any laws, DHMH policies, or the Code of Conduct. Reports to the OIG may be made orally, in writing, or through the OIG Hotline at 1-866-770-7175. Any report to the OIG may be made anonymously, regardless of the means of reporting.

Any DHMH employee who suffers retaliation as a result of reporting suspected fraud, waste, abuse, or misconduct may file a complaint with the Secretary of Health and Mental Hygiene pursuant to section 5-309 of the Maryland Whistleblower Law in the Executive Branch of State Government (see Md. Code Ann., State Pers. & Pens. §§ 5-301 to 5-313).

For more information on the OIG, or to make a report of fraud, waste, abuse, or misconduct to the OIG, please contact:

Office of the Inspector General
Department of Health & Mental Hygiene
201 West Preston Street, 5th Floor
Baltimore, Maryland 21201
Phone: (410) 767-5784
Website: <http://dhmh.state.md.us/oig/>
OIG Hotline (for reports only): (866) 770-7175

[IV. Equal Employment Opportunity]

It is the policy of this Department that no one shall be denied employment, selection, appointment, promotion, training or salary increase because of race, religion, color, political affiliation or opinion, marital status, creed, ancestry, sexual orientation, gender identity, and expression, genetic information, national origin, age, sex or handicap (except where age, sex or handicap is a bona fide condition of employment). The Governor's Code of Fair Practices requires State agencies to adopt an Affirmative Action Plan to further the cause of equal opportunity in employment. The Department's plan is based upon problem identification and a prescribed course of action designed to address any problems or deficiencies. Formal complaints of discrimination may be filed with the DHMH Office of Equal Opportunity Commission (EEOC), the Maryland Human Relations Commission or the Federal Equal Employment Opportunity Commission (EEOC).

{Ref: DHMH POL. 2.1, 2.13; Gov. Code of Fair Practices; State Personnel & Pensions Article § 3-401 - 3-410}

IV. CATEGORIES OF EMPLOYEES

A. Executive Service

Employees in this service are not required to take competitive employment tests and are not selected from an eligible list. This service includes employees who are agency heads, deputy secretaries, assistant secretaries or who hold positions of equivalent rank.

- B. Management Service
Employees in this service are not required to take competitive employment tests and are not selected from an eligible list. This service generally includes employees who have direct responsibility for the management of programs involving substantial personnel and financial resources.
- C. Professional Service
Employees are hired through competitive employment tests. This service includes employees who possess an advanced degree or professional license in order to perform assigned work.
- D. Skilled Service
Employees in this service are hired through competitive employment tests. This service consists of the majority of state employees.
- E. Special Appointment
This is a subgroup of the Skilled and Professional Services. These employees are in this category because of a specific law or because they handle confidential employee related or sensitive matters.

V. GENERAL EMPLOYMENT

- A. Test announcements for general Skilled and Professional Service positions are posted on bulletin boards and are advertised on the Department of Budget and Management, Office of Personnel Services & Benefits (OPSB) web site (<http://www.dbm.state.md.us/>). Individual agencies are responsible for recruitment for their unique classifications. Department of Health and Mental Hygiene advertise by test announcements through the same mechanisms as OPSB. The DHMH web site is: <http://www.dhmh.state.md.us/testingerv/html/select.htm> and the JOBLINE number is: 410-767-6018. Test announcements contain the specific salary range, nature of work, minimum qualifications, conditions of employment, as well as the closing date after which no applications will be accepted by the Department of Budget and Management or the individual recruiting agency for the announced test. An examination schedule produced by the Department of Budget and Management and/or the individual agency is also posted on main bulletin boards. The schedule identifies each classification; a closing date of applications; the type of examination, i.e., written, unassembled, etc., as well as the date and location of the test when these have been established.
- B. Individuals may apply for and take an examination for a position requiring a high school diploma or college degree provided they are within 90 days of completing the required education at the time of examination. Promotional candidates (current State employees) may take an examination if they are within 90 days of

meeting the experience and/or educational requirement of the tested level.

- C. The Department of Budget and Management, OPSB publishes job specifications for each position within the Skilled and Professional Services specifying the salary, minimum qualifications, conditions of employment as well as examples of work, essential requirements of work, and the nature of work.
- D. To accommodate State employees participating in Merit system examinations or State interviews, a supervisor, given reasonable notice, may allow up to four (4) hours leave without loss of pay or other leave. The supervisor may:
 - 1. Require prior approval of the request.
 - 2. Require verification of the examination taken or interview attended.
 - 3. Limit the number of interviews and time allotted for them when abuse is apparent.

{Ref: COMAR 06.01.11.16}

- E. Positions in the Skilled and Professional Services, with the exception of the Interview and Hire classifications, are filled by selection from a list of eligibles which results from a competitive examination. Candidates on the resultant eligible list are placed in random order by the following categories: best qualified, better qualified, qualified, and unsatisfactory. The following individuals receive additional points added to an earned examination score as indicated:
 - 1. Ten points are credited for any eligible veteran, spouse of an eligible veteran who has a service connected disability, or the surviving spouse of a deceased eligible veteran.
 - 2. One-quarter point for each year of service in State government, up to a maximum of five points for 20 years of State service, is credited to current State employees.
 - 3. Five points are credited to each resident of the State of Maryland.

{Ref: State Personnel and Pensions Article, 7-207}

- F. An official Personnel Record is maintained for all State employees by the Maryland Department of Budget and Management as that agency must ultimately take the action to change an employee's status; i.e., appointment, promotion, demotion, transfer, etc. This record merely records objective data pertaining to

changes in status.

Your Official Personnel File is maintained within the DHMH Office of Human Resources. This contains the full and comprehensive personnel information relating to official changes in status, personnel forms completed by you as well as any letters of appreciation or reprimand authorized by the supervisor.

To ensure that your personnel records are up to date, it is essential that you provide the DHMH Office of Human Resources any change in name, address, or retirement beneficiary. If you have filed applications for tests or are on a list of eligibles, you should also write to the Office of Personnel Services & Benefits, Department of Budget and Management, 300 W. Preston Street, Baltimore, MD 21201 advising of a name or address change.

VI. PROBATION AND PERFORMANCE APPRAISAL

A. Probationary Period

Probation is the final step of the hiring process where an employee demonstrates on the job, that he or she is able and willing to perform the assigned duties of the job. The following pertains to this probationary period:

1. Required for all employees in the Skilled and Professional Services.
2. Minimum probationary period is six months for all.
3. Employees in salary grade seven and higher may be extended up to an additional six months.
4. Employees in salary grades six or below may be extended up to an additional three months.
5. Requires 90-day written evaluation by supervisor.
6. Transfers and employees reinstated within one year after they leave State Service are not required to serve a new probationary period if they are reinstated into a classification in which they have already served a probationary period.

{Ref: State Personnel and Pensions Article, 7-401, 7-405, 11-303 and 11-304}

B. Performance Appraisal

The appraisal process is a time to evaluate an employee's performance and an opportunity to increase the level of communication between the employee and the supervisor. The following pertains to performance appraisals:

1. Employees in the Skilled, Professional and Management Services shall be evaluated at six-month intervals based on the employee's entrance on duty date in state service.
2. Includes a preliminary appraisal by the supervisor, a joint review and discussion, and a final appraisal.
3. Employees may be rated in one of three categories: outstanding, Satisfactory, and unsatisfactory.

{Ref: State Personnel and Pensions Article, Title 7}

VII. HOURS OF WORK

- A. Employees work an 8.0-hour day.
- B. Lunch period are 30 or 60 minutes depending upon work schedule, and is mandatory.
- C. Normal business hours are 8:00 a.m. to 5:00 p.m.
- D. Normal work week is Monday through Friday totaling 40 hours.
- E. Overtime, i.e., time worked beyond the normal schedule, must be approved in advance by supervisor.
 1. Generally, salary grades 1-7 are eligible for cash overtime payment, plus some classifications in a higher grade.
 2. Straight time cash payment up to 40 hours per week Wednesday to Tuesday.
 3. Time and one-half cash payment in excess of 40 hours per week Wednesday to Tuesday.
- F. Compensatory time is time worked beyond the normal schedule approved in advance by the supervisor.
 1. Generally, salaries grades 8 and above are eligible, which usually includes executive, professional and administrative classifications.
 2. Must work at least one-half hour in excess of the regular workday's hours before compensatory leave is earned/credited.
 3. Must be used within a 12-month period.
 4. Can be taken only with supervisor's advance approval.

VIII. PAY

A. Employees are paid on a bi-weekly schedule every other Wednesday, 26 times per year.

B. Mandatory Deductions

1. Federal withholding tax
2. State withholding tax
3. Social Security
4. Retirement
5. Employee Organizations Dues, if applicable.

C. Optional Deductions

1. Credit Union
2. Health Insurance
3. Deferred Compensation
4. United Charities of Maryland

D. Salary Scale

1. Base salary is the normal starting salary with 20 increments.
2. Base through 7 is 3%, step 8-14 is 2.5%, and 15-20 is 2%.
3. The last 10 steps represent approximately 2% annual increments.
4. Increments will be denied for unsatisfactory performance.

E. Increment Schedule

1. New State employees starting between January 1 and June 30 will receive increments effective January 1.
2. New State employees starting between July 1 and December 31 will receive increments effective July 1.

F. General Statewide salary increases require the approval of the General Assembly and is generally effective on July 1.

NOTE: *Increments may be delayed or cancelled if not approved by the General Assembly for that Fiscal Year.*

G. Acting Capacity Pay is a payment which results from the formal designation by a supervisor, with Personnel concurrence, of an employee to temporarily

"act" or perform higher duties until permanent arrangement can be made. Payment is made, after a waiting period is satisfied, at the salary grade of the higher level classification in which one is "acting."

{Ref: Dept. of Budget and Management Title 17, Subtitle 04, Chapter 01}

IX. RECLASSIFICATION AND PROMOTION

- A. Reclassification results from a substantial change in the employee's duties, responsibilities, or functional level of performance sufficient to place the individual into a new job classification or level without vacating the position, normally resulting in a salary increase. **{REF: Department of Budget and Management, Title 17, Subtitle 04, Chapter 02}**
- B. Reclassification Requirements
 - 1. Must meet minimum qualifications of the new or higher level classification.
 - 2. Must be recommended by supervisor.
 - 3. Personnel Analyst must verify new functional level by review of position description form MS-22 and possible desk audit.
- C. A non-competitive promotion is a personnel transaction which permits employees to advance from a trainee level to a full performance level in a classification series.
- D. Non-Competitive Promotion Requirements
 - 1. Must meet minimum qualifications for the higher level.
 - 2. Must be satisfactorily performing the full range of duties of the higher level.
 - 3. Must be recommended by supervisor.
- E. Promotions occur by leaving your present position to occupy a vacant position in a higher salary grade. These promotional appointments to vacant positions require employees to go through the normal Merit System application and examination process and be selected from the appropriate list of eligibles. Such a promotion would necessitate serving a new probationary period.
- F. Employees reclassified to a higher level salary graded position or who obtain a promotional appointment to a higher level vacancy must receive a salary increase of at least 6%.

X. Employee Benefits and Services

A. Optional Health Care Program

1. There are three (3) types of medical plans available: Preferred Provider Organization (PPO) plans, Point-of-Service (POS) plans and Exclusive Provider Organization plans. Each type of plan (PPO, POS and HMO) has a standard set of benefits, by type of plan. Plans are available on a regional basis. Please refer to the current annual summary of health benefits for more details on each plan.
2. The State offers the following additional benefit plans: Prescription, Dental, Mental Health/Substance Abuse, Vision, Term Life Insurance, Personal Accident & Dismemberment Insurance, Flexible Spending Accounts, and Long Term Care.
3. New employees may enroll in any State Health program within 60 days of their entry on duty date. After this initial enrollment period an employee may only enroll in or change their plan during an Open Enrollment period normally held once a year.
4. If a change in the employee's family or marital status requires a change of coverage and the change involves an addition of one or more dependents, such change must be accomplished by completing a new enrollment application within 60 days of acquiring the dependent or status change.
5. Employees on an approved leave of absence without pay who wish to continue health insurance while on leave must pay the premiums when due or coverage will be terminated and re-enrollment will not be possible until the first available open enrollment period.
6. Employees who resign or are terminated from State service may opt to continue health insurance for 18 months. This coverage will be at 100% cost to the employee plus 2% administrative cost. Forms can be obtained from the Office of Human Resources.

B. The Central Office, Department of Health and Mental Hygiene, participates in a Blood Donor Program through the local Red Cross Chapter. When a participant or any immediate family member needs blood, it is just a matter of a phone call to the Program Coordinator in the Office of Human Resources. All able employees are urged to donate blood.

C. The State Employees Credit Union provides first class banking services in the form of direct deposit, savings, checking, and personal and automobile loans. In order to borrow, employees must be employed with the State for three

months. Additional benefits and services are available from the Credit Union, including an IRA Plan.

- D. Deferred Compensation is an optional savings plan that allows employees to set aside a portion of their earnings in tax-sheltered savings and investment programs. The plan basically permits employees to defer present income (as well as deferring the payment of taxes on it) for long-term saving to supplement pension and other income after retirement. The plan is offered through Nationwide Retirement Solutions, and a representative may be contacted at 443-886-9402.

E. Retirement

1. **Eligibility:** All permanent full-time and part-time employees who work a minimum of 700 hours per fiscal year must become members of the Maryland State Pension System as a condition of employment.
2. **Employee Contribution:** Effective July of 2011, employees are required to contribute 7% of their salary which is automatically deducted from their paychecks.
3. **Minimum Full Benefit Retirement Eligibility:** either 30 years creditable service or five years creditable service and age 62. New hires employed on or after July 1, 2011: Rule of 90 (sum of age and service must equal 90) or age 65 with 10 years of service.
4. **Benefit Formula-**Based on the sum of (A) and (B): (A) Average final salary times 1.2% times service credit as of June 30, 1998 PLUS (B) Average final salary times 1.4% times service credit earned after June 30, 1998.
5. **Cost of Living Adjustments:** 2.5% if target rate of return for investments in prior year is achieved or 1% if investment target not met.
6. **Ordinary Disability Retirement:** requires five years of eligible service. Benefit based on credit member would have had at age 62.
7. **Military Service Credit:** A member with ten years in the Pension System may claim up to five years of retirement credit for active military service at no cost to the employee.
8. **Sick Leave:** Retirement credit for accumulated sick leave is given at the rate of 22 days sick leave equal to one month of service credit. This credit increases the retirement allowance but does not permit one to retire any sooner.
9. **Death Benefit:** If death occurs while in active State service, the designated beneficiary will receive a lump sum payment equal to one (1) year's current salary plus any employee contributions and accumulated interest.
10. **Retirement Coordinator:** Your Retirement Coordinator or Personnel Officer can answer most basic questions concerning retirement, providing you with necessary forms to complete a retirement related transaction. Your

Coordinator is located in the Office of Human Resources. A Retirement Counselor who is fully trained in this area is available in the Maryland State Retirement System.

11. Members have vesting rights after five (5) years eligible service.

For New Hires employed on or after 7/1/2011 have vesting rights after ten (10) years of eligible service.

- F. The Employee Assistance Program with the Department of Budget and Management has been established to counsel employees and supervisors with health or personal problems that may be the cause of poor work performance and poor attendance.

All appointments or referrals must be requested in writing from the supervisor to the Personnel Officer, providing a copy to the affected employee. All information is kept confidential.

- G. Identification Cards - Central Office employees are required to obtain State identification cards free of charge. The Office of Human Resources provides identification cards at no cost for new employees during their orientation. If the card is lost, employees may obtain a replacement card by calling 410-767-6403. Replacement cards may be issued at an additional cost to the employee. Upon leaving the Agency, employees must turn in their identification card to the Employment Unit of OHR as part of the clearance procedure.

XI. ABSENCES

- A. It is recognized that emergencies or illnesses occur necessitating unplanned lateness or absence from work; however, any absence must be promptly reported to the appropriate supervisor to avoid possible discipline for being "absent without leave." Central office employees must provide notification of absence within the first 30 minutes of the workday.
- B. It is the personal responsibility of employees to report or have reported, through the appropriate supervisory notification procedure, their absence from work because of illness or other reasons and the expected date of return.

The employee is responsible for knowing the name and the telephone number of the person in the unit to whom the report is made. Each supervisor must establish and post the local call-in procedure for the unit and maintain a log to record reports of absence; i.e., name of employee, name of caller, reason for absence, time of call, expected date of return, and name of person taking the call.

- C. During periods of prolonged illness, the employee or designee must notify the supervisor bi-weekly of the progress of treatment until an actual date of return has been established.

XII. LEAVE

A. Holidays

1. 11 regular holidays a year; 12 every other year (General and Congressional Elections)

{Note: Holidays falling on Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the following Monday.}

Holiday Schedule

| | |
|-------------------------------|--------------------------------------|
| New Year's Day | January 1 |
| Martin Luther King's Birthday | 3rd Monday in January |
| Washington's Birthday | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | 1st Monday in September |
| Columbus Day | October 12 |
| Veterans' Day | November 11 |
| Thanksgiving Day | 4 th Thursday in November |
| Day After Thanksgiving | 4 th Friday in November |
| Christmas Day | December 25 |

B. Personal Leave: entitled to six days of Personal Leave in any calendar year. It is prorated in the employee's first year of state service, depending upon date of entry:

| <i>Date of Entry Between</i> | <i># Personal Leave Days</i> |
|-------------------------------------|-------------------------------------|
| January 1 and February 28/29 | 6 |
| March 1 and April 30 | 5 |
| May 1 and June 30 | 4 |
| July 1 and December 31 | 3 |

Personal Leave may not be accumulated. Any unused Personal Leave as of the last day of the calendar year or upon termination of employment shall be forfeited. It may be used for any reason, but it requires the supervisor's advance approval.

{NOTE: Part-time employees, working less than 50%, are not eligible to earn leave.}

C. *Annual Leave (Vacation)*: may be accumulated but an employee cannot carry more than 75 days into the next calendar year. For the first six months, a new employee does not have any Annual Leave available to him/her. At the end of six months, the new employee is credited with 1.0 hour of Annual Leave for every 26 hours worked of Annual Leave. All Annual Leave must be approved in advance by the employee's supervisor.

| <i>Length Of Service</i> | <i>Annual Leave</i> | <i>No. Hrs. Leave For Each 26 Hrs. Worked</i> |
|--------------------------|---------------------|---|
| 6 mo. to 5 years | 10 Days per year | 1 Hour |
| 6 - 10 yrs. | 15 Days per year | 1½ Hours |
| 11 - 20 yrs. | 20 Days per year | 2 Hours |
| Over 20 yrs. | 25 Days per year | 2½ Hours |

D. *Sick Leave*: Earn 15 days per year (1½ hours accumulated for each 26 hours worked), unlimited accumulation. Sick Leave should be conserved, used only in cases of personal illness with the inability to work, and illness of immediate family members.

1. Personal sickness, injury, pregnancy, inability to work.
2. Illness of immediate family members.
3. Medical, dental, or optical examination or treatment.
4. Exposure to contagious disease jeopardizing the health of others.

5. Death in an employee's immediate family - maximum of a total of five (5) days, depending on need, for the following: spouse, children, including foster and step-children, parents, foster and step-parents, legal guardians, brothers, sisters, grandparents and grandchildren of the employee or of the spouse, and other relatives living as a member of the employee's household. Employees receive bereavement leave with pay for three (3) of the five (5) days for the following relatives: employee's spouse, children including foster and step-children, employee's parents, foster and step-parents, employee's brothers and sisters, employee's, grandparents and grandchildren.
 6. A maximum of one day might be charged to sick leave for death of any other relative, except cousins.
 7. A licensed medical provider's certificate is required to charge five (5) or more (effective 10/1/93) consecutive days to Sick Leave. Certificates must include a statement by the licensed medical provider that the employee was "unable to work" during a specified period of absence.
 8. Either parent responsible for the care and nurturing of a newborn or newly adopted child may take up to 30 days of accrued Sick Leave to care for the child.
 9. EMPLOYEE-TO-EMPLOYEE DONATED LEAVE PROGRAM and the LEAVE BANK are available to all employees (except temporary employees) who have exhausted all accrued leave and have a serious and prolonged medical condition. An employee may not receive more than 2,080 hours of donated leave from either program during the employee's State Service. This, of course, is contingent upon meeting the established criteria under both programs. Military Leave Bank-Members of Armed Forces may also apply for the leave bank when they have an active status.
 10. Unscheduled Absences: Employees may use up to six (6) Personal Leave Days, in a calendar year for any purpose whatsoever, without prior supervisory approval. However, the supervisor must be notified of the intended absence within 30 minutes of the employee's normal reporting time.
- E. Military Leave - Entitled to a maximum of 15 days of leave each calendar year of ordered military activity. Must provide a copy of military orders.
- F. Accident Leave - Granted to employees who suffer disabling injuries that are compensable under the Maryland Workers' Compensation Act. Accident Leave is two-thirds of the employee's regular pay.

- G. Subpoena for Jury Service - Leave with pay given for Jury Duty when service is needed or if subpoenaed to appear in court or at other legal proceedings provided employee is neither a paid witness nor a party to the action.
- H. Merit Examinations/Interviews - Up to four (4) hours without loss of pay with advance notice and authorization of the supervisor.
{Ref: COMAR 06.01.11.16}
- I. Leave of Absence Without Pay (LAW) - Employees may apply for up to 30 days leave without pay. Leaves of absence without pay in excess of 30 days also require approval of the Executive Director of the Office of Human Resources and are considered separations from State service. A two-year leave of absence is the maximum permitted.

{Ref: State Personnel & Pensions, Subtitle 11, Section 9-1105}

XIII WORKER'S COMPENSATION

EMPLOYEES ARE PROTECTED FOR ACCIDENTAL INJURIES OCCURRING ON THE JOB PROVIDED THE INJURY FALLS WITHIN THE MEANING OF THE WORKER'S COMPENSATION LAW.

- A. Report incident immediately to supervisor.
- B. See a doctor, obtain first aid promptly.
- C. Supervisor completes first report of injury form.

XIV. SEPARATION AND RETURN

- A. ***Resignation:*** Advise supervisor in writing at least two weeks prior to effective date. Resigning employees will be paid for any unused Annual Leave and up to two (2) days of earned compensatory time. ***{Ref: COMAR .06.01.01.51A; COMAR 06.01.11.19D}***
- B. ***Transfer:*** An employee may request a transfer within the agency or to another Department in the same job classification by writing to the Department of Budget and Management, Office of Personnel Services and Benefits. Then the employee's name will be placed on the appropriate eligible list as a transfer eligible. Employees cannot be transferred without their consent. A minimum of two weeks notice must be given to a supervisor if an employee is going to transfer from his/her present position.

- C. **Lay-Off:** Skilled and Professional Service employees may be laid off if the employee's position is abolished or discontinued because of lack of work or change in organization. Employees affected by a layoff must be given 60 days notice prior to the effective date of the layoff. Names of lay-offs are placed on eligible lists and given employment priority. {Ref: **State Personnel and Pensions, Title 11, Subtitle 2**}
- D. **Reinstatement:** Permanent State employees, i.e., those who have completed an original probationary period, and resign from State Service may be reinstated without the need for Merit System examination and be given credit for prior salary and service, provided the employee returns to active service within three (3) years from the date of separation from active service.

XVII. EMPLOYER/EMPLOYEE RELATIONS

- A. **Grievance:** A dispute between an employee and the employee's "employer" about the interpretation and application of State employee personnel rules, regulations or policies over which management has control. The State laws, regulations and policies are made available to employees by the DHMH Office of Human Resources on upon request.
- B. **Grievance Procedure:** Except for employees in the Executive Service, and others excluded by law, the grievance procedure is available to all non-temporary Executive Branch employees in the State Personnel Management system. The following disputes are not grievable:
 - 1. An oral reprimand or counseling;
 - 2. A pay grade or range for a classification;
 - 3. The amount or the effective date of a statewide pay increase;
 - 4. The establishment of a classification;
 - 5. The assignment of a classification to a Service category; and
 - 6. The establishment of classification standards
- C. **Grievance Process:** Prior to initiating the grievance, the employee must talk to the employee's supervisor about the dispute. The employee has 20 days from the time he/she gains knowledge of the complaint to file an official grievance.

This is a three step process initiated by an aggrieved employee utilizing the "Uni-

versal Appeal and Grievance Form". The following steps are involved:

- STEP 1* - Employee to Appointing Authority
- STEP 2* - Employee to Secretary of Department of Health and Mental Hygiene or designee
- STEP 3* - Employee to the Department of Budget and Management; if not settled then the Department of Budget and Management forwards to the Office of Administrative Hearings.

D. Grievance Rights

1. Representative of Employee's choosing
2. Reasonable amount of release time with prior approval of supervisor
3. Right to appeal decision rendered to the next step.

✎ **PLEASE NOTE:** The law provides separate appeal and rebuttal procedures for employee complaints concerning performance evaluations of "satisfactory" or better and employee counseling memoranda. Grievances involving employee performance evaluations of "satisfactory" or better may be appealed only to the appointing authority, and then, if necessary, to the head of the principal unit (the Secretary of DHMH). The decision of the head of the principal unit is final. A counseling memorandum is not a disciplinary action. The employee is entitled to submit, within five (5) days of receipt of the memorandum, a written response which will be included with the counseling memorandum in the employee's personnel file. {Ref: *State Personnel and Pensions, Title 11 and Title 12*}

E. Discipline:

1. Conduct-related discipline results from some form of employee misconduct, either an action or inaction of the employee that is a violation of a statute, regulation, policy, directive, or order.
2. Performance-related discipline results from the employee's pattern of poor work habits or poor performance of the assigned job duties.

NOTE: An employee who is subject to a disciplinary action may appeal that action to the Secretary of DHMH or Designee within fifteen (15) calendar days after receiving notice from the Appointing Authority.

F. Employee Counseling: Either supervisor or subordinate in need of employer-

employee relations/personnel counseling may contact the Office of Human

A Final Note...

We have provided you with a handbook that is concise and informative. As questions and problems arise, and as the need for more detailed information becomes apparent, see your Unit's Personnel Officer.

You may also visit the many websites for the Department of Health & Mental Hygiene! www.dhmf.state.md.us

Best wishes in your future endeavors with DHMH!